



GUIDELINES ON THE IMPORTATION OF UNREGISTERED PEST CONTROL PRODUCTS FOR COMMERCIAL PRODUCTION OF PLANTS AND ANIMALS

Ontario Pesticides Advisory Committee

October, 1973

KEO
715
.P4
A332
1973



Ministry
of the
Environment

The Honourable
William G. Newman,
Minister

Everett Biggs,
Deputy Minister

KEO
715
P4
A332
1973

Copyright Provisions and Restrictions on Copying:

This Ontario Ministry of the Environment work is protected by Crown copyright (unless otherwise indicated), which is held by the Queen's Printer for Ontario. It may be reproduced for non-commercial purposes if credit is given and Crown copyright is acknowledged.

It may not be reproduced, in all or in part, part, for any commercial purpose except under a licence from the Queen's Printer for Ontario.

For information on reproducing Government of Ontario works, please contact Service Ontario Publications at copyright@ontario.ca

KEO
715, P4
A332
1973
C.B

GUIDELINES ON THE IMPORTATION OF
UNREGISTERED PEST CONTROL PRODUCTS FOR COMMERCIAL
PRODUCTION OF PLANTS AND ANIMALS

**HAZARDOUS CONTAMINANTS
AND STANDARDS BRANCH**
135 ST. CLAIR AVENUE WEST
TORONTO, ONTARIO M4V 1P5

ONTARIO PESTICIDES ADVISORY COMMITTEE

OCTOBER 1973

This Report was prepared for the Ontario Pesticides Advisory Committee by two groups composed of:

(1) A Sub-Committee of the Ontario Pesticides Advisory Committee

Dr. R. Frank - Chairman
Dr. G. Cooper - (Cyanamid of Canada)
Dr. J. Ingratta - (Heinz Canada Ltd.)
along with
Mr. R. Moore - (Pesticides Control Service
Ministry of the Environment)
Mr. B. Wilson - (Flowers Canada)

(2) In consultation with a Sub-Committee of the O.M.A.F. Pesticide Committee

Mr. J. Rainforth - Chairman
Mr. R. Costen - (Chipman Chemicals)
Mr. K. Hikichi - (O.M.A.F.)
Mr. K. Overbaugh - (Plant Products Company)
Mr. W. Coleman - (Agriculture Canada)

Definition of an unregistered product

- A. Those products
- (i) identical to registered products now sold in Canada, but not carrying a Pest Control product number.
 - (ii) with the content and identity of active ingredient identical with currently registered products but where the formulating ingredients are different.
 - (iii) with active ingredients of lower concentration to currently registered products and where the formulating agents may be the same or different.
 - (iv) with active ingredients of higher concentration to currently registered products and where the formulating agents may be the same or different.
- B. Those products listed under A that do not carry a Canadian use pattern for the food crops or livestock for which they are imported and no Canadian label exists for an identical active ingredient for this use.
- C. Those products where the active ingredient is not identical to a currently registered product.

Proposed procedure of importation

The committee reviewed the current agreements and interrelations surrounding the importation, permit of use and instructions surrounding the use of Temik^R (Aldicarb) to determine if the procedures were acceptable. It was agreed that the procedure had been a model of cooperation, however, certain interrelations had been excluded and these were then written into the guidelines below.

1. Plant Products Division, Agriculture Canada operates under regulations 54, 55, 56 and 57 of the Pest Control Products Act, 1968 - 1969, in the matter of the importation of unregistered pest control products for use in commercial, plant or animal production (Appendix I). Such importations are only permitted if (a) the pest control product meets

the required standards after evaluation at the Federal level (b) the importer has a certificate from the Province of Ontario permitting use of such products, and (c) if the requirements in Section 54 are met. This procedure effectively interrelates Federal and Provincial authorities into the use of unregistered products and makes importation contingent on Provincial approval.

2. The Pesticide Control Service, Ontario Ministry of the Environment, operates under Regulation 21 of The Pesticide Act and Regulations (1972) and in particular Subsection 5, (Appendix II). Under these provisions an importer must have the written approval of the director to use an unregistered product that is not identical to an already registered product. Records of importations through permit should be made available to O.P.A.C., on request. O.P.A.C. approval will be required for importation of products defined B and C or for A (iv) if the increase in concentration results in a change of category in classification. These provisions, as noted above, mesh with the Pest Control Products Act and Regulations. Underwritten agreements between the Ontario Ministry of the Environment and Ontario Ministry of Agriculture and Food provide for consultation between the two ministries on the desirability of the importation.

3. The Ontario Ministry of Agriculture and Food will respond to an emergency pest problem by raising the matter at O.M.A.F., Pesticide Committee where a complete review and documentation should be made. Guidelines on the procedure for gaining registration have been drawn up by the Ontario Ministry of Agriculture and Food Pesticide Committee to guide it in the procedures to follow (Appendix II). O.M.A.F. is opposed to the commercial importation of unregistered pesticide products by definition C, which includes products with active ingredients not identical to ones already registered. Such compounds should only be permitted into Ontario under the provisions regulating the importation of experimental pesticides. Under rare cases of emergency the importation of an unregistered pesticide by definition B might be desired. Certificate of use should receive the approval of the O.M.A.F. Pesticide Committee, and be brought to the

attention of the O.P.A.C., Committee for their approval. The Ontario Ministry of Agriculture and Food will be charged with the responsibility of collecting data or assisting the company in its collection of data as described in Appendix III so that the product can be officially registered for the use in question.

4. The Chemical Company, who would normally market such compounds, should be notified of the importation and a request made as to the intent for future use of the compound in Ontario. This should be made by the O.M.A.F., Pesticide Committee and communicated to the Director of the Pesticide Control Service, Ontario Ministry of the Environment and the Ontario Pesticide Advisory Committee.

5. The Ontario Ministry of Health. A toxicity datum sheet should be approved. This would be available to the importer for use by the family doctor or the nearest poison centre in the event of an accidental poisoning.

Summary on Procedure of Importation

The unregistered pesticides by definition A (i), (ii) and (iii) do not represent a problem and can be imported under current legislation. Importation of unregistered pesticides by definition A (iv) should receive O.P.A.C., approval if the increase in concentration changes the category in which it is classified. Unregistered pesticides by definition B and C can create a problem. The B group should only be imported after approval by the O.M.A.F., Pesticide Committee and O.P.A.C., and the C group should not be imported except as an experimental pesticide as prescribed under Appendix I [Regulation 54 - (iii)], and Appendix II [Regulation 21 (2) (a)].

SUMMARY ON PROCEDURE OF IMPORTATIONS

Type of unregistered product

- | | | |
|---|---|---|
| A | (i) Identical - No PCP number | - Importation under C.D.A., and O.M.E., legislation |
| | (ii) Identical active ingredient
new formulation | - Importation under C.D.A., and O.M.E., legislation |
| | (iii) Lower concentration of active
ingredient | - Importation under C.D.A., and O.M.E., legislation |
| | (iv) Higher concentration of active
ingredient | - Importation under C.D.A., and O.M.E., legislation
- O.P.A.C., approval of higher concentration means more
restrictive category of classification. |
| B | New pattern of use of A | - Importation only after O.M.A.F., O.P.A.C., and company
approval |
| C | New active ingredient | - No commercial importation should be permitted into
Ontario
- Importation as an experimental pesticide under C.D.A.,
and O.M.E., legislation |

Food industry groups requiring compounds defined B and C should write to O.M.A.F., Pesticide Committee giving the pest problem. For B group compounds the company in question and O.P.A.C., will be contacted to ascertain desirability of label change and for work to be undertaken if deemed advantageous. C group compounds should be dealt with as experimental chemicals and pass through the normal channels for registration.

APPENDIX I

The role of Agriculture Canada, as laid down in the
Pest Control Products Act and Regulations 1968-69.

Import

Regulation 54. Subject to section 55, a control product may be imported into Canada if it is accompanied by a declaration, in a form specified by the Minister, which form shall be signed by the importer and shall state

- (a) the name and address of the person who is shipping the control product;
- (b) the name and brand, if any, of the control product;
- (c) the common name or chemical name of the active ingredient of the control product and the amount of the active ingredient contained therein;
- (d) the total amount of the control product being imported;
- (e) the name and address of the importer; and
- (f) the purpose of the importation of the control product using the words

(i) "For Resale", together with the registration number of the control product, where it is registered under these Regulations and is being imported for the purpose of resale,

(ii) "For Manufacturing Purposes", where the control product is being imported for use in the manufacture of a registered control product,

(iii) "For Research Purposes", where the control product is being imported for use by a person for research purposes, or

(iv) "For Importer's Own Use", where the control product is being imported for the sole use of the importer, together with information respecting where the control product will be used, the purpose of such use and the port of entry of the control product.

Regulation 55. (1) Where a control product is being imported into Canada for the importer's own use, the importer's declaration is not complete or in order and the control product shall not be imported unless the District Supervisor has authorized the importation and

signed the declaration.

(2) A District Supervisor shall authorize the importation into Canada of a control product for the importer's own use and sign the importer's declaration respecting the control product when he is satisfied that

(a) the importer's declaration contains the information required by section 54;

(b) the control product contains only ingredients that have been previously assessed or evaluated for the purposes of the Act and these Regulations and have been accepted for registration under these Regulations for the use stated in the importer's declaration; and

(c) the laws in force in the place where the control product is to be used are not inconsistent with the proposed importation and use of the control product.

Regulation 56. Where the collector of customs at a port of entry is not satisfied that an importer's declaration is complete and in order, he shall hold the control product at the port of entry or place the control product in bond and forthwith advise a District Supervisor.

Regulation 57. The collector of customs at a port of entry shall forward one copy of every importer's declaration to a District Supervisor.

APPENDIX II The role of the Ontario Ministry of the Environment as
laid down in the Pesticide Act and Regulations, 1972.

- Regulation 21. (1) No person shall use any product unless it has been registered under the Pest Control Products Act (Canada) and assigned a registration number under that Act for the performance of a land extermination on the premises of a person engaged in plant or animal production on that part of the premises used for plant or animal production.
R.R.O. 1970. Reg. 657,s.21(1).
- (2) Subsection 1 does not apply to an extermination performed for the purpose of research or as a test.
- (a) by a research centre, university or other institution of learning, a professional researcher from industry who is registered with the Ministry or a person under the supervision or authority of the professional researcher from industry, on the premises of such centre or institution or on experimental land obtained for this purpose, provided that the produce remaining at the conclusion of the research or test is destroyed; or
- (b) where approval of the extermination has been obtained from the Director at least seven days before the extermination is performed. R.R.O. 1970, Reg. 657,s.21 (2); 1972,c.1.s.71 (3).
- (3) No person shall use in an extermination any substance or product registered under the Pest Control Products Act (Canada),
- (a) for any purpose other than that from which the substance is sold or represented; or
- (b) in a manner other than that designated on the condition of registration.
- (4) Clause b of subsection 3 does not apply to Group D substances.
- (5) Notwithstanding subsection 1, a person engaged in plant or animal production may import and use on his own premises,
- (a) a pesticide product that is identical with a pesticide product registered under the Pest Control Products Act (Canada);or

(iv)

(b) with the approval of the Director, a pesticide product that is not identical with a pesticide product so registered.

(6) Subsection 3 applies *mutatis mutandis* to the products mentioned in subsection 5. R.R.O. 1970, Reg. 657, s.21 (3-6).

It is the policy of the O.M.A.F. Pesticide Committee not to recommend or condone for use any unregistered product. It is assumed that the Chemical Company who sponsors the product will be sufficiently interested to obtain registration for those uses that have major sales potential. These guidelines are drawn up to cover minor uses of pesticides. 'Minor use' is defined as minor pesticide use by volume and not minor dollar value of the crop.

A sub-committee of the O.M.A.F. Pesticide Committee set up on May 28, 1973, chaired by J.R. Rainforth, presented Guidelines to the main committee on August 29, 1973. The sub-committee included R. Costen, C.A.C.A., K. Hikichi, O.M.A.F., W. Coleman, C.D.A., and K. Overbaugh, Plant Products Ltd. The committee discussed these guidelines and accepted them with a few minor revisions.

1. In the event of a pest problem developing as a result of the loss of a control measure or the development of resistance etc., the acceptable course would be for the growers organization to document the problem and address it to the O.M.A.F. Pesticide Committee for action.
2. The O.M.A.F. Pesticide Committee would review the problem. If chemicals are known and available in other countries but not registered in Canada the company would be invited to the review so that their intentions might be ascertained. If the company is disinterested or actively against the use of their product then their desires should be respected. A member of the Plant Products Division, Agriculture Canada, could supply the review with the scope of the data required for registration.
3. The O.M.A.F. Pesticide Committee after assessing the problem will determine whether it constitutes a minor or major effort and expenditure. In the event it can be injected into existing programs every effort will be made to obtain the necessary inputs to obtain the data. Where the venture has joint agricultural-environmental impact the help of the O.P.A.C. will be sought.
4. If it is not possible for O.M.A.F. Pesticide Committee to obtain this information the request should be forwarded to Dr. A.J. McGinnis, Chairman of the O.A.S.C.C.

KEO
715
.P4
A332
1973